

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of Heng Chu et al.

Serial No.: 10/626,340

Filed: July 24, 2003

For: Applying Abstraction to Object Markup Definitions

Art Unit: 2167

Examiner: Kimberly M. Lovel

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

Applicants hereby request review of the Final Rejection in the Office Action mailed July 24, 2008 in the above-identified Application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

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GROUND OF REJECTION PRESENTED FOR REVIEW

The **Ground of Rejection** presented for review is a rejection of Claims 3 - 5, 7 - 9, 11 - 13, 20, and 31 - 33 under 35 U. S. C. §103(a) as being unpatentable over U. S. Patent 7,065,742 to Bogdan in view of U. S. Patent Application 2005/0149847 to Chandler.

ARGUMENT

For expediency only, Applicants will discuss independent Claims 13 and 31 - 32 only. Applicants reserve the right to argue additional grounds, and in particular to explicitly argue separate patentability of the dependent claims, if this Petition is denied.

Applicants respectfully submit that a *prima facie* case of obviousness under 35 U.S.C. §103 has not been made out as to these claims, as the cited references, whether taken singly or in combination, do not teach or suggest all the claim limitations. Furthermore, Applicants are entitled to have all words of the claimed invention considered when determining patentability. See Section 2143.03 of the MPEP, “All Claim Limitations Must Be Considered”, referencing *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970), which stated “*All words* in a claim must be considered in judging the patentability of that claim against the prior art.” (emphasis added).

The Office Action fails to cite references that teach or suggest all of the claim limitations of Claims 13 and 31 - 32¹, or that consider all of the words of these claims, as will now be discussed.

The Office Action cites col. 2, line 56 - col. 3, line 44 of Bogdan as teaching the “providing” element recited on lines 3 - 7 of Claim 13. Applicants respectfully disagree, as will now be discussed. Col. 2, lines 56 - 60 of Bogdan discuss processing instance data, by a parser,

¹Applicants respectfully note that the Office Action analysis includes text which does not form part of the current claim language of the claims, the differences being too numerous to list herein.

that comprises validating the instance data to ensure that it “conforms to the class definition defined in the XML schema”. Col. 2, lines 60 - 63 note that the processing can be according to a base schema. Or, as noted in col. 2, lines 63 - 67, if the instance data includes extensions, then the processing is according to an extended schema “that defines the new class(es) [i.e., the extension]”. This is a discussion of validating only, and it is *distinct from* Applicants’ recited “... validating whether syntax elements ... conform to a first [extended] schema ... while generating output objects ... that conform to a second [base] schema ...” Claim 13, lines 3 - 8, emphasis added). That is, there is no discussion in col. 2, lines 56 - 67 of Bogdan of generating output objects according to a schema that is different from the schema used for validating the input.

Col. 3, lines 1 - 26 of Bogdan appear to discuss the extension concept, explaining that it is inefficient to incorporate each base level into a schema extension, particularly when more than one extension occurs. See, for example, the “assume a class hierarchy” discussion that begins on line 9 of col. 3. The purported relevance of this discussion to Applicants’ claimed invention is unclear, and Applicants are unable to find any discussion of this portion of the cited text in the Office Action.

Col. 3, lines 27 - 44 of Bogdan state that “conventional” XML processing methods do not directly instantiate objects from instance data (col. 3, lines 27 - 31) and in particular, the “specification” of the instance data does not generate user interface objects corresponding thereto (col. 3, lines 31 - 34). Given that a “specification” of instance data in XML is typically a textual representation of the data, Bogdan appears to be saying that some processing must be performed in order to generate objects from such a specification. This interpretation is supported by the next 2 sentences, which state “Instead, a parser validates the data and relies on the application ... to cause the validated objects to be generated ...” (col. 3, lines 34 - 38, emphasis added) and “... the

conventional approach ... [does not have] a central processing method that can also instantiate validated objects” (col. 3, lines 38 - 40).

The Office Action apparently relies solely on the text “manner defined by the application” (from col. 3, lines 37 - 38) when asserting that Bogdan teaches Applicants’ recited “... validating whether syntax elements ... conform to a first [extended] schema ... while generating output objects ... that conform to a second [base] schema ...” (Claim 13, lines 3 - 7, emphasis added); see Office Action, p. 4, third-to-last line). However, what is stated in Bogdan with regard to this term is that a parser “relies on the application supplying the instance data to cause the validated objects to be generated by the operating environment in a manner defined by the application” (col. 3, lines 34 - 38, emphasis added). Applicants respectfully submit that this simply does not teach or suggest the claim language recited on lines 3 - 7 of Claim 13, as there is no discussion of Applicants’ claimed validating with an extended schema and generating to conform to a base schema. Furthermore, the cited text does not describe a validating parser adapted for generating output objects as recited by Applicants in lines 3 - 7 of Claim 13.

The Office Action cites col. 3, lines 27 - 42 of Bogdan as teaching “the generating further comprises not generating any output object for any ... syntax element that is defined in the extended schema but [that is] not defined in the base schema in order that the generated output objects will conform to the second [base] schema definition”, as recited on lines 16 - 18 of Claim 13 (emphasis added). Applicants respectfully disagree with this interpretation of the cited text. See the discussion, above, of Bogdan’s statement that the “specification” does not generate objects, and that a parser “relies on the application ... to cause the validated objects to be generated ...” (col. 3, lines 34 - 38, emphasis added). Applicants find no teaching, or suggestion, in the cited text that some output objects are not generated, in contrast to Applicants’ claim language.

For the “providing the generated output objects, by the validating parser, for use by the consuming application” as recited on lines 20 - 21 of Claim 13, the Office Action cites Bogdan, col. 3, lines 27 - 42. As noted above, this text of Bogdan states that the parser “relies on the application ... to cause the validated objects to be generated”. Applicants respectfully submit that their claim language is clear that their validating parser provides objects for the application, instead of relying on the application to cause them to be generated as in Bogdan’s cited text.

For the “providing a validating parser ...” and “validating syntax elements .. with the ... validating parser ...” elements on lines 3 - 6 and lines 7 - 10, respectively, of Claim 31, Applicants have explained above that the cited text in col. 2, line 56 - col. 3, line 44 of Bogdan does not disclose a validating parser that validates “according to a first [extended] schema definition” while generating output “according to a second [base] schema definition”. Accordingly, these claim recitations are not taught by Bogdan.

For the “responsive to the validating ... parsing the validated syntax elements [which were validating “according to the first [extended] schema definition”; see Claim 31, lines 7 - 10] to generate the output for the consuming application according to the second [base] schema definition, ... thereby suppressing at least one of the validated syntax elements ... [that] is valid according to the extended schema but is not valid according to the base schema” claim element recited on lines 11 - 16 of Claim 31, the Office Action cites col. 2, line 56 - col. 3, line 44 of Bogdan. As discussed above, Applicants respectfully submit that this cited text has no teaching, or any suggestion, of validating according to an extended schema while generating output objects according to a base schema; furthermore, the cited text has no teaching or suggestion of suppressing the generating of output for any already-validated syntax elements (and the Office Action fails to describe how such teaching is supposedly found in the cited text).

With regard to independent Claim 32, the Office Action cites col. 2, line 56 - col. 3, line 44 of Bogdan as teaching the “using” and “omitting” claim elements recited therein. With regard to the “omitting ...” claim element (Claim 32, lines 6 - 13), Applicants respectfully submit that this cited text has no teaching, or any suggestion, of omitting any validated syntax elements when generating output from validated syntax elements (and the Office Action fails to describe how such teaching is supposedly found in the cited text).

For at least the above reasons, Applicants respectfully submit that the Bogdan reference does not teach the claim recitations of Applicants’ independent Claims 13, 31, or 32. These deficiencies are not cured by Chandler, which is cited for teaching identifying a schema definition within an input document. Accordingly, even if, *arguendo*, one of skill in the art was motivated to attempt combining Bogdan with Chandler (and assuming such combination could be made), the combination would not yield Applicants’ claimed invention as recited in Claims 13, 31, or 32. Claims 13, 31, and 32 – as well as their dependent Claims 3 - 5, 7 - 9, 11 - 12, 20, and 33 – are therefore deemed patentable over these references.

In summary, Applicants respectfully request that the rejection in the Office Action be reversed by the appeal conference prior to the filing of an Appeal Brief.